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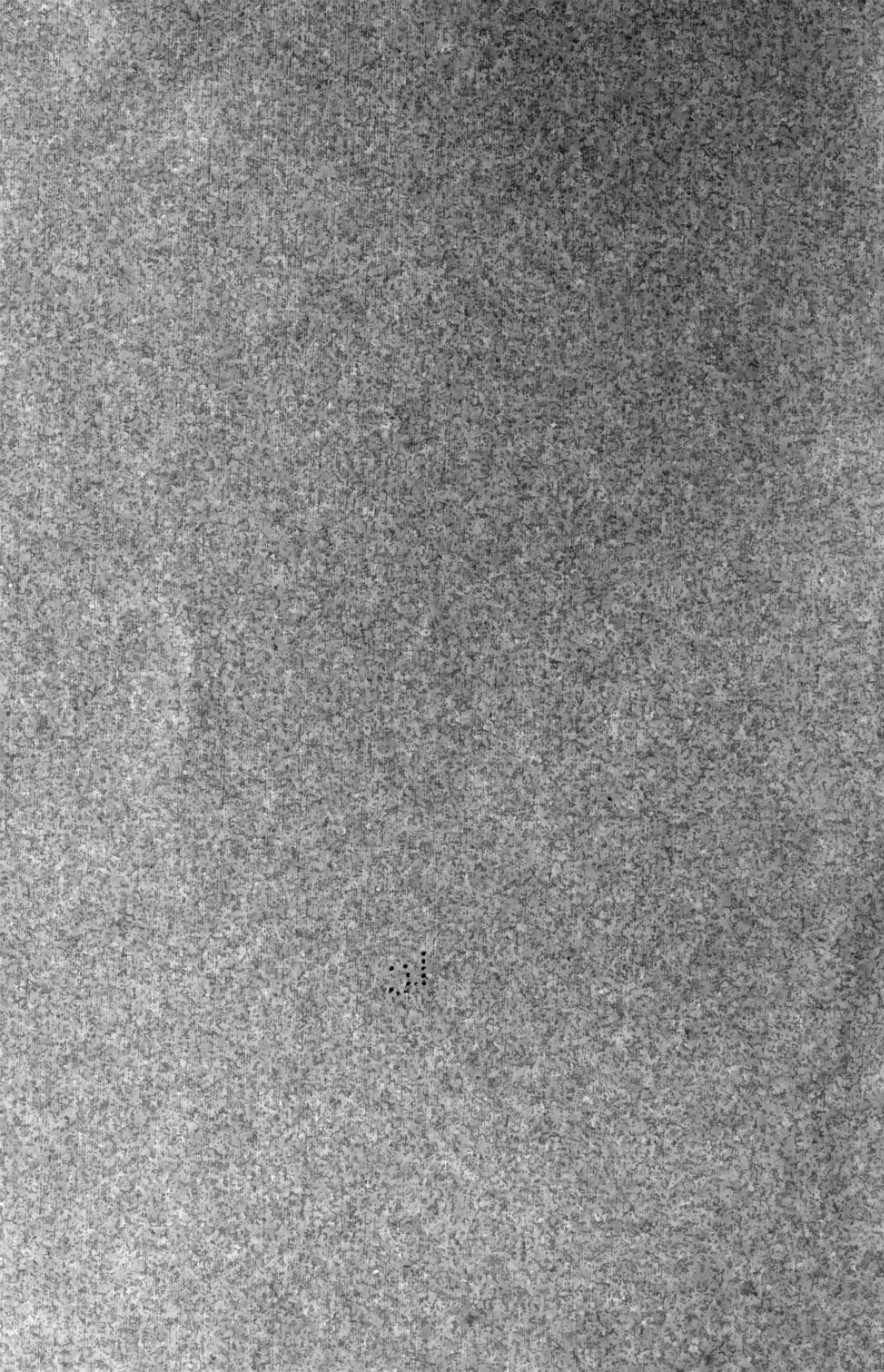
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the Sherman Anti-Trust Act in the future. Such a course, however useful, carries with it perils. More than half a century ago the same court, for patriotic reasons, gave its views upon certain other very different matters not actually before it; and the resultant public criticism of the court is regretted by lawyers to this day. That case was *Dred Scott v. Sandford*.<sup>12</sup> *Absit omen*.

<sup>12</sup> 19 Howard, 393.

## THE PRESENT STATUS OF THE HOME RULE QUESTION.<sup>1</sup>

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Bibliographical Note.—Obviously it is impossible to give a definite authority for many of the statements made in an article of this sort. I have, for the most part, therefore, omitted any footnotes whatever. Naturally I have used such standard works as Lecky, whose chapters on Irish questions I have found to be based on a more thorough research than those dealing with purely British affairs, and Morley's Gladstone. I have consulted, as well, the various parliamentary papers and reports relating to the Home Rule bills of 1886, 1893, and 1912. One of the most useful expositions of Mr. Asquith's bill is the series of papers edited for the Eighty Club by Prof. J. H. Morgan, and recently published under the title, "The New Irish Constitution." I need scarcely mention that I have referred to Dicey's "England's Case Against Home Rule" and "A Leap in the Dark"; the Earl of Dunraven's "The Legacy of Past Years"; G. Locker Lampson's "A Consideration on the State of Ireland in the Nineteenth Century"; Justin H. McCarthy's "The Case for Home Rule"; Sidney Brooks' "Aspects of the Irish Question"; Harold Begbie's "The Lady Next Door"; R. Barry O'Brien's "Life of Charles Stewart Parnell," "Dublin Castle and the Irish People," "Two Centuries of Irish History," "Home Rule Speeches of John Redmond," and other similar works. But the greater part of the material on which this article is based has been gathered from current newspapers and magazines and from personal observation in the course of my residence in England during the past three or four summers.

It is one of the commonplaces in the history of Europe in the nineteenth century that the two most striking characteristics observable in the political changes of that period are an assertion, on the one hand, of the right of a much larger proportion of the people than formerly to a share in the government and, on the other, the rise and persistence of what may be termed a spirit of nationality. Both of these forces were entirely ignored by the diplomats who assembled at Vienna in 1814–1815, but

<sup>1</sup> For a further analysis of the pending Home Rule Bill see the note of Professor Shepard in the "Notes on Current Legislation" in this issue.

a combination of the two was destined to work almost a complete overthrow of the system inaugurated by that Congress. The Revolutionary and Napoleonic wars no doubt intensified the national consciousness already existing in England, but their influence in this direction was naturally felt to a much greater extent in such Continental countries as Spain and Prussia. In England, indeed, these wars had a decidedly reactionary effect on the movement toward popular government. It is not exaggerating to say that they delayed the reform of the parliamentary representation and the extension of the suffrage for more than a quarter of a century. But, after the movement for reform got under way again in England, Englishmen became increasingly liberal in their sympathies. Thence-forward aspiring Continental nationalities counted with good reason on a sympathetic hearing by a large and influential party of the English people. Greeks, Italians, Hungarians, Poles, and Bulgarians, in turn, found it not difficult to gain British good will in support of their causes. Indeed, Great Britain, ere long, came to look upon herself as a sort of international apostle of liberty and nationality. During all of this time, beginning with the very first year of the century and continuing to the present day, Great Britain has herself been a conspicuous violator of the principle which has met with her sympathy when maintained by Continental peoples. An Irish national spirit still survives in spite of more than a century of effort to destroy it, first by hostile measures and later by kindness. This is a noteworthy fact, because it signifies that the fight of the Irish for self-government must be considered as a part of the political movement which has contributed so materially to shape the character of the German Empire, the kingdom of Italy, and in fact nearly every European nation.

Naturally those who are opposed to Home Rule deny the correctness of this view. Mr. Balfour, the late leader of the Unionist party, asserts that "all this talk of restoring to Ireland Irish institutions, and of governing Ireland according to Irish ideas, has no historic basis whatever." There is an element of both truth and falsehood in this statement. A review

of the salient facts in Irish history pertaining to this controversy will make that point clear. We need not deal here in precise definitions of nationality, and we may safely take no account of the disputed existence of a national spirit in Ireland previously to the advent of the English. It profits little to test medieval institutions by the standards of the present day. Besides, although it is unquestionably rooted in the events of earlier years, the demand for Home Rule with which the British Parliament is now attempting to deal is preeminently a product of the nineteenth century.

There is not space here to trace the course of the disputes between England and Ireland from the passage of Poyning's Act in the latter part of the fifteenth century to its repeal in the latter part of the eighteenth. Yet it is impossible to get a clear understanding of the present situation in Ireland without some knowledge of the reasons why the Irish fought to maintain this law against the demands of the Tudors and then raised rebellion to secure its repeal in the closing years of the American Revolutionary War. This law, which provided that Irish legislation should originate in Ireland, be transmitted to England and approved by the English Privy Council, and finally be acted upon by the Irish Parliament, was an effectual check on the schemes of Henry VIII and Elizabeth. But the democratizing influences of the seventeenth century had operated to transform the Parliament that Grattan dominated into a more self-assertive body. England was now at the end of a disastrous war and was, therefore, not in a position to resist the demands of the Volunteer bands that supported Grattan. The result was the ill-fated experiment which lasted from 1782 until Pitt put an end to it in 1801.

Whether Grattan's Parliament, as it is called, would under different conditions have furnished a basis for the permanent settlement of the Irish question will always be a disputed point. Certainly no ship of state was ever launched under less auspicious circumstances or sailed a stormier sea. The British administration that sanctioned it fell almost immediately afterward, and the reins of the English government were held by

three different factions within the next two years. Whatever liberal views toward Ireland Pitt, the leader of the party that ultimately triumphed, had were vitiated by the attitude of the Irish Parliament toward the Regency dispute in 1788. True he promoted the Catholic relief act of 1793, a measure that looked toward the preservation of Irish nationality. But this act, though accepted by the Protestant ruling faction, was received with little enthusiasm by the friends of the minister. And the disturbances incidental to the French war, culminating in the uprising of 1798, caused Pitt to support the project for a union of the two countries with the result that it was consummated by means that only an extremely desirable end could justify. The notorious character of the methods by which it was accomplished naturally served to make the union unpopular in Ireland and contributed to stir the national self-consciousness that was destined ultimately to voice a demand that the act of union be repealed.

But this is far from saying that the Irish now desire a revival of Grattan's Parliament, though none of the projects for Home Rule brought forward in recent years involve as complete a separation from England as was granted by the Rockingham Whigs in 1782. Nor is it so paradoxical as it seems that the ruling class in Ireland under the old régime, the party that was most persistent in its opposition to the Union, should now be fanatical in its opposition to the restoration of Home Rule. Native Irishmen had little voice in Grattan's Parliament, which represented only the Protestant minority, who were for the most part descendants of the English and Scotch who had crossed over in the course of the seventeenth century disputes. Nevertheless, there are indications that it might have been possible in the decade preceding the act of union to reconcile the discordant elements in the Irish population. The Protestants assented to the act of 1793 which gave Catholics a right to vote for members of Parliament on the same terms with themselves. And they offered no serious objections to Fitzwilliam's proposal in 1795 to extend those privileges so as to enable Catholics to sit in Parliament. The vetoing of this scheme by the

British cabinet did much itself to create distrust in the Catholics. And when Pitt, because of the obstinacy of George III or because of less meritorious characteristics in some of his advisers, was unable to fulfil the promise of emancipation which he had made in order to win the support of the Catholics for the union, any reconciliation of the two peoples under the same government was made well-nigh hopeless.

George III lived much too long for the good of his country, and George IV inherited his father's prejudices concerning the Catholic question without many of his better qualities. Between them they managed to delay the relief Pitt had promised the Catholics till 1829. Therefore, when emancipation did come, it was impossible for a half measure to overcome the antagonism to British rule which years of coercion had aroused in the Irish. And emancipation, even to this day, has not given Catholics a proportionate share of authority in the Irish government. They outnumber the Protestants three or four to one, yet, according to a recent estimate, only three of the seventeen judges in the high court of justice, eight of the twenty-one county court judges and recorders, five of the thirty-seven county inspectors of police, 62 of the 202 district inspectors of police, and 1,805 of the 5,518 ordinary justices of peace are Catholics. Since these conditions exist after nearly a century of emancipation there is little wonder that the Irish persist in their demand that they be allowed to choose their own rulers.

Moreover, the English government has shown a singular want of tact in dealing with the other grievances of which the Irish have complained. There is not space here to enter into details, but in the first three quarters of a century after the union not many years passed without some legislative or executive action designed for the coercion of the Irish, while remedial measures were either neglected entirely or delayed so long that they failed to have the desired conciliatory effect. In fact, almost every remedial measure granted in the course of that time was won as the fruit of Irish rebellion or disorder. O'Connell in 1835 undertook to adopt a different policy and helped Lord John Russell turn out Peel's government in the

hope of securing a settlement of the tithe question, at that time the chief grievance put forward by the Irish. Three years later Lord John himself accepted a measure similar to the one Peel had proposed and because of which Lord John had been able to defeat him. The movement for the repeal of the act of union, the trial of O'Connell, and the rise of the Young Irelanders followed. The land question next claimed attention, but the British Parliament refused to take it seriously or to grant relief until the Fenian Society procured the disestablishment of the Irish church in 1869 and the passage of the land act of 1870 by bringing Ireland to a state of open rebellion. Other land acts followed in 1881, 1885, 1887, 1888, 1889, 1891, 1896, 1903, 1907, and 1909. The Unionist party has become as enthusiastic as the Liberal in supporting this movement to restore land to the peasant tenantry. Unionists argue that the demand for Home Rule was a product of the hardships resulting from the old system of land tenure and consequently that the desire for Home Rule will not long survive after these hardships are relieved. The several land acts have certainly contributed much to benefit the Irish peasants, but they have apparently so far made little impression on the sentiment in favor of Home Rule.

The natural effect of this long period of unsuccessful repression was to intensify the national consciousness of the Irish. The immediate success of the Home Rule Association, when it was organized in 1870, is, therefore, not in the least surprising. The new party returned fifty-nine members to Parliament in 1874, sixty-one in 1880, and eighty-five in 1885, around which figure the Nationalist representation in the House of Commons has since remained. The object of the party thus formed, as set forth in the resolutions of the original association, is to obtain for Ireland a Parliament of her own and to "secure for that Parliament, under a federal arrangement, the right of legislating for, and regulating all matters relating to the internal affairs of Ireland, and control over Irish resources and expenditure, subject to the obligation of contributing our just proportion of the Imperial expenditure." This organization,

under the successive leadership of Butt, Parnell, and Redmond, has fought the battle for Home Rule to its present stage, and much of the ground necessary to ultimate victory has certainly been won. For example, it is something to have Mr. Asquith, the first prime minister to visit Dublin while in office since the union, declare recently to an Irish audience in the Irish capital that Ireland is a "nation." And if a century of history is any test of nationality it is impossible not to agree with that conclusion, a conclusion which places the movement for Home Rule in the list of struggles for self-government and national existence of which the nineteenth century affords so many examples.

Either the failure of every other measure to conciliate the Irish or, as Unionists will have it, the political situation resulting from the general election of 1885 converted Gladstone to the Home Rule policy and gave rise to the abortive Home Rule bill of 1886. The result was division and temporary disaster to the Liberal party. In 1893 another bill was introduced and carried through the House of Commons only to meet defeat in the House of Lords. Obviously here was another lion that had to be removed from the way before the Nationalists could hope to bring their plan to final accomplishment. Luckily for them the House of Lords gave to Liberals as many grounds of complaint as it gave to Nationalists. In consequence, means for avoiding this hitherto insurmountable barrier to Liberal legislation was sought in that very conservative though much abused measure, the Parliament Act of 1911. The road having been cleared of the obstruction that blocked the way in 1893, another Home Rule bill has been introduced into Parliament and is now pending. Is there any probability that this bill will pass into law? Should it pass, is it calculated to solve the Irish problem? We shall consider these questions in reverse order.

Briefly stated, the Irish problem is as follows. Geographically, England and Ireland are near to each other and yet not contiguous. As Grattan finely put it, the ocean on one side of Ireland protests against separation from England, while the

sea on the other side protests against union. Historically, the efforts to join in a legal organic union two peoples that have fundamentally different racial and religious characteristics, after more than a century of trial, cannot be said to have been conspicuously successful. At present an overwhelming majority of the Irish people are organized into a political party for the purpose of demanding a larger measure of self-government for their country. Other issues are subordinated to this one, and there seems to be no present prospect that Irish opinion concerning other questions can find expression at the polls until the question of Home Rule is finally determined. Nor can this be termed a mere temporary ebullition of national spirit. Beginning its organized form more than forty years ago the present movement has gained rather than lost ground. The only element of the population that is opposed to Home Rule is alien both in race and religion to the native Irishmen. The testimony of both history and geography would seem, therefore, to be on the side of the Nationalists.

But it is one thing to assert the general proposition that Ireland ought to have Home Rule. To devise a workable scheme of government that will combine in the right proportions the measure of local autonomy and imperial unity that all advocates of Home Rule profess to desire is quite a different matter. Take the question of the legislature, for example. If the Irish are to have a parliament at Dublin to regulate their local affairs, ought they also to have representatives in the parliament that will regulate, along with imperial concerns, the local affairs of England and Scotland? Yet, if Ireland is denied this privilege, she is denied a voice in the legislature which, under every scheme of government that has hitherto been suggested, will impose certain of her taxes. Gladstone contributed little toward the settlement of this problem, which is one of the most troublesome that the Irish business presents. In 1886 he proposed that the Irish should be deprived entirely of their representation at Westminster. By 1893 he had decided that it would be sufficient to cut down their representation to eighty members, though he was still in doubt as to whether these members

ought to have a voice in the determination of matters that related solely to Great Britain. Mr. Asquith and his colleagues have compromised the question by reducing the number of Irish members to forty-two. There is still a possibility that the Irish vote may hold the balance of power and turn out a British administration on a purely British question. But in the nature of things such an event is scarcely likely to occur. In the first place, ministries are not usually overthrown on purely local questions. Then, too, it is unlikely that the Irish, voting as a body, will take the responsibility of defeating a ministry on a matter of that sort.

Not the least knotty question that confronts the framers of a Home Rule bill is the settlement of the financial relations between the two countries. In 1886 Gladstone proposed to give to Ireland complete autonomy in the levying of all taxes except customs and excise. The post office was to be transferred to the Irish Government whenever it should be demanded. The collection of all taxes, however, was to remain in the hands of the imperial government. At that time there was a considerable surplus in the revenues collected in Ireland over the expenditure for Irish services, and Gladstone proposed that Ireland should contribute one fifteenth of the total charges for imperial expenditure. In 1893 there was still a surplus of Irish revenue over local expenditure, and Gladstone again proposed that Ireland should make a contribution to the imperial exchequer. In this bill, however, he proposed simply to retain the total product of the Irish customs for imperial purposes, with the provision that the imperial government should defray the expenses of the Irish constabulary in as far as they exceeded £1,000,000. For the first six years after the passage of the act the imperial government was to continue to collect all taxes in existence at that time and any additional ones that the Irish Parliament might levy. After the expiration of six years all taxes except customs and excise were to be imposed and collected by the Irish government, which was also to collect the excise levied by the imperial parliament.

Mr. Asquith, in his Government of Ireland Bill of 1912, has

adopted a system differing radically from either of those proposed by Gladstone. The social and agrarian measures recently set on foot in Ireland by the British parliament have changed the surplus in the Irish revenues to a deficit. The question is no longer how much Ireland can contribute to imperial expenditure but how much the British exchequer must contribute to Ireland. In 1895-6 the "true"<sup>1</sup> Irish revenue was estimated at £8,034,000, in 1910-11 at £10,300,000, an increase of £2,226,000. In the same years the local expenditure in Ireland increased from £5,938,000 to £11,344,000; so that, whereas in 1895-6 Ireland contributed to the imperial exchequer the sum of £2,066,000, in 1910-11 she was a burden on the empire to the extent of £1,044,000. In view of these facts, Mr. Asquith proposes that for the present Ireland shall have only a partial autonomy in the matter of finance. An Irish exchequer and an Irish consolidated fund are to be established and an Irish auditor general appointed. But the imperial government will retain the duty of imposing and collecting taxes. The manner in which the financial obligations of the two kingdoms will be apportioned can perhaps best be illustrated by taking some one year for an example. In 1912-13, for instance, it is estimated that the true Irish revenue will amount to £10,839,000. In addition to this sum the imperial exchequer will for three years contribute £500,000, to be gradually diminished at the end of that period, making a total income of £11,339,000. It is proposed to transfer £7,562,000 of this sum, including the postal revenue, to the Irish exchequer for Irish use. The remainder is to be retained in the hands of the imperial government and apportioned among the reserved services, which include old age pensions, national insurance and labor exchanges, land purchase, the constabulary, and the collection of the revenue. This budget is not to be affected by alterations in imperial taxation. The Irish parliament, on the other hand, can increase taxes to get additional revenue or diminish them and have the decrease in returns subtracted from the amount transferred to the Irish

<sup>1</sup>The "true" revenue does not include the amount collected in Ireland on goods consumed in England.

exchequer. The Irish parliament cannot for the present, however, impose taxes on articles not taxed by the imperial parliament, and its additions to the income-tax, death duties, or customs must not exceed ten per cent. of the existing rate. Furthermore, should the Irish parliament differentiate the custom or excise duties in the two countries it must provide a corresponding differential on goods passing from one country to the other. But these provisions are, in large part, to be temporary. The constabulary is to be transferred automatically to the Irish government after six years. The Irish parliament will also have the right, on twelve months' notice, to take over the management of old age pensions and national insurance. The land purchase scheme, it seems, is to remain permanently in the control of the imperial government. Any normal increase in the Irish revenue is to be applied to the eradication of the deficit against the imperial exchequer. Whenever this deficit shall have been entirely wiped out and shall not have reappeared for the space of three years, further arrangements are to be made concerning the collection of Irish taxes and Irish contribution to imperial expenditure. Such, in brief, are the financial provisions of Mr. Asquith's bill. Only actual experience can determine whether they are workable.

The third perplexing task in framing a Home Rule bill is the provision of safeguards for Ulster. The question of Ulster is much more easily understood than settled. Belfast, the metropolis of the north of Ireland, and its environs are peopled largely by descendants of Englishmen and Scots who migrated thither in the seventeenth century and who are still zealous adherents to the religion of their fathers. The native Irish population is predominantly Roman Catholic. In other sections of Ireland recent observers agree that a spirit of friendliness and toleration prevails between Catholics and Protestants. But in Ulster the old intolerance persists with much of its ancient violence. Gladstone, therefore, in both of his bills provided elaborate limitations to prevent an Irish, and therefore a Catholic, parliament, from infringing on the rights of their Protestant fellow-country-

men. Mr. Asquith has attempted to solve the same problem in a much shorter clause, which provides that:

"In the exercise of their power to make laws under this act the Irish parliament shall not make a law so as either directly or indirectly to establish or endow any religion, or prohibit the free exercise thereof, or give a preference, privilege or advantage, or impose any disability or disadvantage, on account of religious belief or religious or ecclesiastical status, or make any religious belief or religious ceremony a condition of the validity of any marriage." Unionists deny that it will be possible to enforce these safeguards. And it cannot be gainsaid that unless a different spirit is shown than seems at present to exist in Belfast it will be difficult to prevent Catholics from resorting to retaliatory measures.

As regards the machinery of the proposed Irish government itself not much can be said here. There is to be a bicameral legislature with a responsible executive expressly provided for by law. The Lord Lieutenant will, of course, also be responsible to the British cabinet. He is to have a twofold veto power over the acts of the Irish legislature. If he should be in doubt as to the constitutionality of a measure he is empowered to refer it forthwith to the judicial committee of the Privy Council, which is to be the Irish court of last resort. Acting on the advice of the imperial cabinet he may also veto a bill from motives of policy; but it remains to be seen how far this power will be exercised. The Irish legislature itself is to consist of two houses, one of which will be elected by the people and will be supreme in matters of finance after the fashion of the British House of Commons. The Senate, or upper house, is to consist of forty members nominated by the Lord Lieutenant for eight years. In case of the disagreement of the two houses on a legislative matter, when the Senate shall have twice rejected a measure passed by the House of Commons, the two houses shall meet together and by a joint vote finally dispose of the question. The Irish legislature is to be granted the power to make laws for the "peace, order, and good government of the kingdom." It should not be forgotten, however, that the imperial parlia-

ment, in the plenitude of its legislative powers, can pass laws contrary to those passed by the Irish parliament, and in case of a conflict the decision would undoubtedly be in favor of the imperial law. The supremacy of the imperial legislature is specifically maintained in the bill, though that provision was scarcely necessary in view of the unlimited scope of the powers of the British parliament. Moreover, the Irish parliament will not be able to legislate extra-territorially, and a number of subjects are excepted from its purview entirely, such as the succession to the Crown, making war or peace, the army and navy, dignities and titles of honor, treason and alienage, navigation and merchant shipping, copyright and trade-marks, coinage, and several other subjects of a similar character. The wonder is, perhaps, that there is not a greater number of exceptions. Company and factory acts, for example, might very well have been kept uniform for the British Isles.

Mr. Asquith frankly proposes his bill as the first step in a more extensive scheme of devolution that is designed to transfer to Scotland and Wales as well as to Ireland the management of their local affairs. Nevertheless, many advocates of this scheme deny that they favor the introduction of the federal principle into the government of Great Britain and Ireland. They disagree with the contention of Professor Dicey and maintain that it is one thing for a sovereign parliament to delegate certain of its duties to local legislatures and quite another for previously sovereign states to unite for the purpose of establishing a strong central government. In the first case the imperial parliament would retain its supreme legislative powers, as it does under the Government of Ireland Bill, and would merely transfer to the local legislatures powers which, being composed of members better acquainted with local conditions, they could exercise more advantageously than the imperial parliament itself. The advocates of this theory insist that their scheme does not limit in the least the present absolute power of the imperial parliament, since the power to create implies also the power to destroy the creature. By this argument they meet the objections of those who complain that this decentralization

of the government will weaken the empire. Their scheme, they maintain, makes it possible to satisfy the national aspirations of the inhabitants of the different parts of the kingdom, to secure for each part a better local administration than it has at present, and yet to preserve the unity of the empire and the supremacy of the imperial government.

But, after all, the most interesting question at present concerning the Government of Ireland Bill is whether it has any chance of becoming a law in the near future. As regards this question, any prophecy at the present juncture would be rash. Nevertheless, there are some facts which can be stated with reasonable certainty and which are worthy of the attention of students of current polities. One of the most evident of these facts is that the majority of Englishmen no longer get excited about the question. True enough a certain class of Unionist leaders are using strong, not to say violent and discourteous, language in the newspapers, on the platform, and even on the floor of the House of Commons. But as far as the results have been expressed in votes they cannot be said to tell very strongly against Home Rule. The administration has lost several seats at recent by-elections and has held others by decreased majorities, as the administration of the day usually does. But in none of these contests have the Unionists shown a disposition to feature Home Rule as an issue, except perhaps in Manchester. But since 1903 the voters of that city have developed the habit of returning Liberal members in general elections, when there is a possibility that the election of a Unionist member might mean the success of the policy of protective tariffs, and Unionists in by-elections, when "free trade" is not in danger. Much water has passed under the bridges since 1886, even since 1893, and there is every indication that in the meantime the view that some measure of Home Rule is the only possible solution of the Irish question has gained ground in Great Britain until it now commands the approval of a majority of the voters. The most rabid Unionist leaders themselves complain of the apathy of their followers. An examination of the arguments used by the leaders of the parties that

support the rival policies will make clearer the reasons for the existence of this apathy.

Since they are proposing a change from the present system, we naturally consider first the arguments of those who favor Home Rule as an imperial policy. Before entering upon that subject, however, perhaps it would be well to remark that a great many Unionists appear to be perfectly serious in their belief that the Liberal party is not at present influenced in its action by these arguments. The Asquith administration could certainly not command a majority in the House of Commons without the support of the Irish Nationalists. Unionists, therefore, say, and apparently believe, that the prime minister and his colleagues have "sold themselves for place," and that they do not really believe in the measures they are supporting. It would be a mistake, however, to take this view too seriously. Even though we could believe the ministers, who are admitted by many Unionists to be a more able group of men than those who occupy the front opposition bench, to be so entirely devoid of political scruples, it is impossible to conclude that all their eminent supporters out of office, publicists, journalists, and the like, are also of that character. We are obliged to believe, therefore, that the arguments used by the advocates of Home Rule represent the actual opinions of a considerable number of English people.

We need not consider the historic grievances of the Irish. They are admitted by both parties. The difference of opinion concerns the character of the remedy that ought to be adopted. Those who favor the policy of Home Rule maintain that the last century and a half, and particularly the last half-century, has for various reasons seen the rise of a national spirit in Ireland which cannot be ignored and ought not to be suppressed if such a thing were possible. They argue that the obvious course to pursue is to recognize this nationalism as a fact and to grant to the Irish a large measure of autonomy, though at the same time preserving the supremacy of the imperial parliament. Those who hold this view believe, moreover, that this policy will serve to bring the English and Irish peoples closer

together, and that the empire would gain a more loyal support from Ireland with Home Rule than it ever can from an Ireland governed by coercion and held by force to an unpopular union. Those who favor the policy of Home Rule say, in the third place, that social conditions in Ireland are different in many respects from those in England and, therefore, that the two countries require a correspondingly different legislative and executive treatment. Manifestly, in that case, natives of Ireland, inheriting the traditions of the country and conversant with its peculiar problems, would be more likely to deal wisely with these questions than statesmen who regard them rather as pestiferous incidents to a larger task than as matters of prime importance. Finally, those who favor the policy of Home Rule argue, and bring facts to support their contention, that the imperial legislature is at present overworked and that if the general problems of the empire are to receive the attention they deserve, questions of a local character will have, in the course of time, to be delegated to local legislatures created for that purpose. In view of the widespread demand for such a legislature in Ireland, they argue that the present is an auspicious time and Ireland an eminently proper place to begin the inevitable process of devolution.

Now these are arguments of undeniable weight, and we naturally expect to find those who favor the maintenance of the union offering arguments equally worthy of consideration in support of their view. In 1886 or in 1893 we should not have been disappointed in that expectation. Those who took their cue from Dicey's "England's Case Against Home Rule" and "A Leap in the Dark," and similar works may not in every case have been justified in their inferences or correct in their theories; but they at least had the merit of approaching a difficult question in a sane and dignified manner. Only the blindest partizan can say as much for the leaders of the present opposition to Home Rule. Of course there are still many Unionists whose convictions are based on considerations that have to do with the larger interests of the empire. But arguments of this character seldom or never come from those who sit on the pres-

ent opposition front bench in the House of Commons or from those who are responsible for the recent tactics of the Unionist party. Mr. Bonar Law and his colleagues seem to have decided to rest their case in opposing Home Rule entirely on the likelihood that Ulster will resist, an argument that was used in turn against Catholic emancipation and the disestablishment of the Irish church. Ulster, it seems, is always going to fight, and Ulster will in every case be right, to paraphrase Lord Randolph Churchill. It cannot be denied that a part of the population of a portion of Ulster retains more of seventeenth century fanaticism than is probably to be found in any other district in the British empire. Even the English friends of Ulster say that. Nevertheless, Nationalists have the consolation of remembering that none of Ulster's recent fights have reached serious proportions and that her contentions have hitherto proved to be far from right in the result.

Since present-day Unionists base their opposition to the policy of Home Rule almost entirely on the probability that Ulster will resist, it is necessary to examine Ulster's position more closely. The obvious retort that Liberals use, namely, that the Nationalists, who constitute a large majority of the population, have fought in the past and may very likely fight again if denied Home Rule, does not go to the root of the matter. Perhaps the religious question is the most vital part of Ulster's case. Her friends deny absolutely any possibility that a Catholic Nationalist parliament would do her justice. They scorn, therefore, the proposals of the ministers to incorporate in their scheme any reasonable safeguards against injustice that the friends of Ulster may suggest. Indeed, the present leaders of the Unionist party, apparently forgetting that the Home Rule bill, should it pass into law, will have the whole power of the empire to enforce it, have formed the habit of speaking in disparaging terms of the provisions of a prospective law of the land as "paper safeguards," intimating that they will scarcely be worth the paper on which they will be recorded. Unionists, however, do not usually justify all the prejudices of Ulster.

They merely cite them as facts and as in themselves a sufficient reason for withholding the demands of the Nationalists.

This view might deserve more consideration had not the Unionist leaders, apparently despairing of arousing much hostility to Home Rule in England, spent the past few months in frantic efforts to stir up those very passions in Ulster, the existence of which they assign as the reason for their opposition to the Nationalist policy. There has been much loose talk about breaking laws and lynching ministers, which might be dismissed as unworthy of consideration had not Mr. Bonar Law himself said—as he tells us, with a full realization of his responsibility as leader of his party—first at Blenheim and later on the floor of the House of Commons, that should the proposed Home Rule bill be passed under the existing circumstances there is no length which Ulster might go in resisting the measure which would not be justifiable and which he would not support. In other words, should the Home Rule bill be passed into law against their wishes the faction at present in control of the Unionist party profess that they are ready to support Ulster in raising rebellion and offering forcible resistance to its enforcement. Much was said early in the summer of collecting arms and drilling men. The natural result was disorder among the laborers of Belfast around July 12, when the Unionist workmen undertook to drive all Catholics and Nationalists out of their employment in the ship-yards. One of the largest firms in Belfast was obliged to suspend temporarily the operation of a large part of its plant on account of these disorders. The Unionist leaders, however, made haste to disavow these riots. The resistance they have in mind, they say, will be something more “dignified.”

After many councils a program has been made public, which is to be carried into effect the latter part of September. Religious exercises are to be held on an appointed day, which all faithful Ulstermen are expected to attend. Later they are to sign a solemn league and covenant in imitation of their Scotch forefathers in the seventeenth century. The purport of this covenant is that the signers will not submit to a Dublin parlia-

ment, that they will not be bound by its laws, and that they will not pay any taxes it may impose. Instead, should the ministers persist in carrying their measure in spite of the covenanters, they propose to set up a provisional government in Ulster independent of the British parliament. Such a policy, if carried into execution, would obviously amount to treason. But its authors say that they have not yet rendered themselves liable to this charge, since this program is made contingent on the passage of the Home Rule bill.<sup>2</sup>

It is extremely unlikely that the majority of Unionists, who after all have little taste for lawbreaking and violence, will follow their leaders when the time comes to carry this program into effect. Only the event, however, will throw any certain light on that subject. In the meantime, since the wishes of Ulster are to become the basis of a proposed revolution, it is worth while to consider the political state of that province a little more carefully. Ulster, as is well known, is the wealthiest and most prosperous of the four provinces of Ireland. It contains the cities of Belfast and Londonderry and comprises the counties of Antrim, Armagh, Cavan, Derry, Donegal, Down, Fermanagh, Monaghan, and Tyrone. Of the 4,381,951 who lived

<sup>2</sup>Since this paragraph was written the Ulster covenant has been published and signed. The document is milder in tone and less objectionable in content than the previous announcements of its proponents indicated it would be. The following is a copy of the covenant that was actually signed:

"Being convinced in our consciences that Home Rule would be disastrous to the material well-being of Ulster as well as the whole of Ireland, subversive of our civil and religious freedom, destructive of our citizenship, and perilous to the unity of the Empire, we, whose names are underwritten, men of Ulster, loyal subjects of his Gracious Majesty King George V., humbly relying on the God Whom our fathers in days of stress and trial confidently trusted, hereby pledge ourselves in Solemn Covenant throughout this our time of threatened calamity to stand by one another in defending, for ourselves and our children, our cherished position of equal citizenship in the United Kingdom, and in using all means which may be found necessary to defeat the present conspiracy to set up a Home Rule Parliament in Ireland; and, in the event of such a Parliament being forced upon us, we further solemnly and mutually pledge ourselves to refuse to recognise its authority. In sure confidence that God will defend the right, we hereto subscribe our names, and, further, we individually declare that we have not already signed this Covenant."

in Ireland in 1911, 1,578,572 resided in the province of Ulster. Of the 696,375 voters in Ireland in the same year, 239,787 were residents of that province. Belfast, its largest city, is the seat of Ireland's chief manufacturing industries, and Ulster is, therefore, the wealthiest of the Irish provinces. Manifestly, if the inhabitants of Ulster were overwhelmingly opposed to Home Rule, to force that measure upon them would be a policy of doubtful wisdom. But such is not the case, and when Unionists use the term "Ulster" they do not really mean the entire province, but merely Belfast and its environs, particularly the counties of Antrim and Armagh. In the last general election<sup>3</sup> only 138,000 votes were cast in Ulster for the Unionist candidates as against 100,000 for those who favor Home Rule. Ulster sends thirty-one members to Parliament, of whom sixteen are Unionists, thirteen regular Nationalists, one an Independent Nationalist, and one a Liberal. Of the counties of Ulster, Armagh and Antrim (including Belfast) are overwhelmingly Unionist, though the Nationalists have one member from Belfast and one from Armagh. Cavan and Donegal, on the other hand, are overwhelmingly Nationalist, and none of their six seats was contested in the last election. All of the remaining counties are more evenly divided, in some the advocates and in others the opponents of Home Rule predominating. The county of Down might properly be added to Antrim and Armagh as constituting the Unionist strongholds, though in the last election three of its four seats were contested, and the Nationalists returned one member. The total population of the three Unionist counties is only 902,263, and by no means all of these, as we have seen, are opposed to Home Rule.

It is important to keep these facts in mind when considering the contention of the Unionists that the liability of Ulster to resist ought to have greater weight in determining the policy of England toward Ireland than the wishes of the remainder of

<sup>3</sup>Where there was no contest I have counted the total vote in the constituency in favor of the party that returned the member, which ought to work out in favor of the Unionists since their members represent constituencies with a larger voting population than the Nationalists.

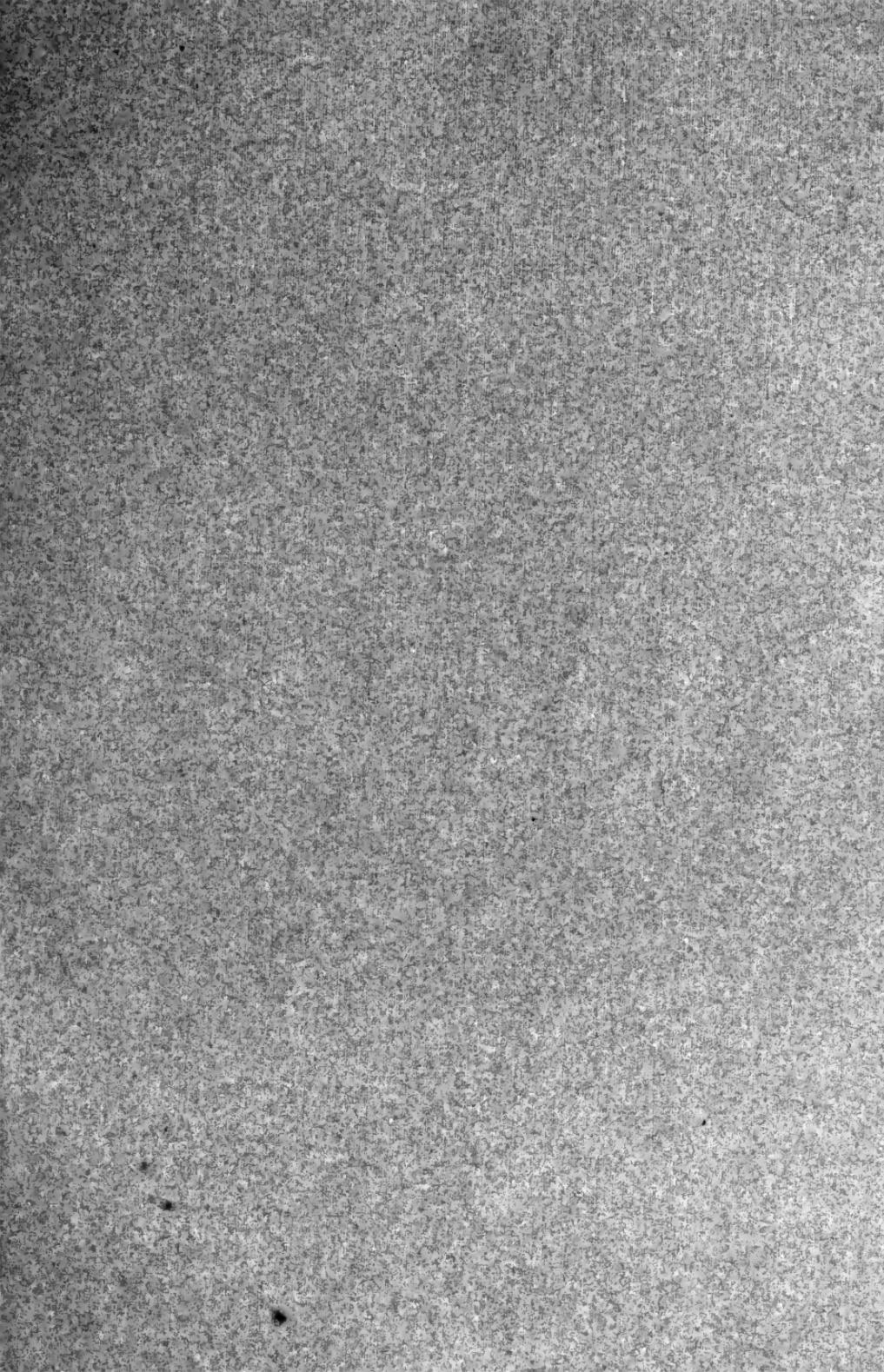
the population. Unionists, as we have seen, not only justify these prejudices on the part of the population of Belfast, but they are also exerting themselves to stir up passions which certainly cannot tend to promote good feeling between the two contending parties in Ireland. Sir Edward Carson, a man prominent in Unionist councils but who has no official connection with Ulster, is to be the first signer of the proposed covenant. On the other hand these champions of Ulster deny that the demands of the remaining four-fifths of the Irish people should be heeded. Should the Nationalists resort to violence in case their plea for self-government is denied, an event by no means unlikely under the circumstances, the Unionist proposal is to use effective coercive measures. It seems scarcely believable that the responsible leaders of a great political party, acting apparently from sincere motives, should commit themselves to propositions so inconsistent and so illogical. The result is a situation the serious character of which everybody recognizes. The ministers offer to adopt any reasonable provisions for securing the interests of Ulster that its inhabitants may suggest. But the Ulstermen decline to consider such proposals and demand that the Home Rule bill be given up entirely. The only course open to Mr. Asquith and his colleagues, therefore, is to proceed with their measure, trusting that on this occasion as in 1829 and 1869, the loud talk of the partizans of Ulster will not be translated into deeds.

The present program of the government is to pass the Government of Ireland bill through its final stages in the House of Commons immediately after Parliament reassembles in October. The House of Lords, it is expected, will either disagree with it or ignore it. The result in either case will be a delay of two years by the end of which time the bill must have been passed twice more in practically its present form if it is to become a law. In case the bill shall pass through all these stages it is safe to assume that it will become a law, in spite of the hints of the revival of the royal veto that are heard now and then from the Unionist press. Should the present House of Commons survive its allotted time there is little doubt that Ireland

will win her fight for national existence in the near future. In fact, the fight is won already, for no discriminating observer affects to believe that a majority of the British people are any longer hostile to the policy of Home Rule. Its adoption in some form seems to be only a matter of time.

Nevertheless, it does not require great powers of political discernment to see that the fate of the third Home Rule bill is as yet uncertain. Mr. Asquith's government has already carried such far-reaching measures as old age pensions, the budget of 1909, the parliament act, and national insurance. There are now pending in Parliament bills for disestablishing the church in Wales and for inaugurating a system of manhood suffrage. It is likely that in the next few months a scheme for taxing land values and for some sort of a reform of the land system will be brought forward. Each of these measures, however meritorious it may be, has inevitably alienated some of the supporters of the ministry. An administration that undertakes legislation of this stupendous character naturally has an uncertain future. It is not unlikely, therefore, that the Government of Ireland Bill of 1912 may meet the fate of its predecessors of 1886 and 1893. But there seems to be no present possibility that the bill itself will meet with any serious opposition from a majority of the British electorate.





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